

California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2005-0069
WDID NO. 1B801790SON

RECISION OF NPDES PERMIT CA0006955
AND
ADOPTION OF
WASTE DISCHARGE REQUIREMENTS
FOR

FULTON PROCESSORS, INCORPORATED
FULTON, CALIFORNIA

Sonoma County

The North Coast Regional Water Quality Control Board, (hereinafter the Regional Water Board), finds that:

1. Fulton Processors, Incorporated (hereinafter Permittee) submitted a Report of Waste Discharge (ROWD) dated January 12, 2005. In the ROWD, the Permittee requested rescission of existing Waste Discharge Requirements (WDRs) Order No. R1-2000-45, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0006955, and issuance of new WDRs for land discharge only.
2. The Permittee operates a poultry processing plant with associated wastewater treatment and disposal facilities, located in the community of Fulton in Sonoma County, California (West half of Section 32, Township 8 North, Range 8 West) (hereinafter the Plant).
3. The wastewater treatment facilities at the Plant are designed to provide advanced primary treatment for an average of 0.25 million gallons per day of poultry processing wastes generated at the processing plant. Treatment includes pretreatment of wastewater by solids separation, chemical addition, sedimentation and fat skimming followed by aeration in three lagoons, chlorination and discharge to an 8.3 million gallon storage lagoon.
4. Historically, treated wastewater was discharged directly to Mark West Creek. However, since 1989 and continuing to present, treated wastewater has only been discharged from the storage lagoon to land for spray irrigation of fodder crops and a walnut orchard. Treated wastewater is used to irrigate approximately 90 acres of pastureland and orchard. Application rate is approximately 1,000,000 gallons per week, with an average yearly application rate of 15.9 inches/acre. Irrigation is rotated to prevent over-irrigation in any particular area of the 90-acre parcel. To prevent discharge to surface waters, a berm has been constructed along

the lower edge of the irrigated pasture. In addition, surface water is visually monitored daily to ensure no wastewater is discharged off-site.

5. The Permittee states that a clay layer, which prevents treated wastewater from reaching the groundwater, underlies the lagoons.
6. The permitted discharge is consistent with the antidegradation provision of 40 CFR 131.12 and State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*. The impact on existing water quality will be insignificant.
7. Solids generated during the pretreatment process or the primary treatment process are hauled off-site to an approved disposal site. Any remaining solids are retained within the aeration ponds and periodically land applied to the pasture portion of the irrigation lands.
8. No domestic wastes are discharged to the treatment facility. Domestic wastes are treated by a separate septic tank/leachfield system.
9. The *Water Quality Control Plan for the North Coast Region* (Basin Plan) includes beneficial uses, water quality objectives, implementation plans for point source and nonpoint source discharges, waste discharge prohibitions, receiving water limitations, and statewide plans and policies.
10. The beneficial uses of the Russian River and its tributaries include:
 - a. municipal and domestic supply
 - b. agricultural supply
 - c. industrial process supply
 - d. industrial service supply
 - e. groundwater recharge
 - f. water contact recreation
 - g. non-contact water recreation
 - h. freshwater replenishment
 - i. cold freshwater habitat
 - j. warm freshwater habitat
 - j. wildlife habitat
 - k. migration of aquatic organisms
 - l. spawning, reproduction, and/or early development of fish
 - m. preservation of rare, threatened or endangered species
11. The beneficial uses of areal groundwater include:
 - a. domestic water supply
 - b. agricultural water supply

- c. industrial service supply
 - d. industrial process supply
12. The action to issue WDRs is exempt from provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), in accordance with Section 13389 of the California Water Code (CWC) and as an existing facility [California Code of Regulations (CCR), Title 14, Section 15301].
 13. The Regional Water Board has notified the Permittee and interested agencies and persons of its intent to prescribe WDRs for the Permittee and has provided them with an opportunity to submit their written comments and recommendations.
 14. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.

THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements (WDRs) Order No. R1-2000-45, NPDES Permit No. CA0006955 be rescinded, and that the Permittee, in order to meet the provisions contained in Division 7 of the CWC and regulations adopted thereunder, shall comply with the following Waste Discharge Requirements:

A. DISCHARGE PROHIBITIONS

1. The discharge of any waste not disclosed by the Permittee and of any waste disclosed by the Permittee but not reasonably anticipated to occur is prohibited.
2. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the CWC, is prohibited.
3. The discharge of waste to land that is not under the control of the Permittee is prohibited.
4. The discharge of wastewater to the Russian River, its tributaries, or any other surface waters is prohibited.
5. The discharge of untreated or partially treated process waste from anywhere within the collection, treatment, or disposal facility is prohibited except as described as an authorized discharge in this Permit.
6. The discharge of wastewater, other than process wastewater, into the process wastewater treatment system is prohibited.

7. The use of treated wastewater shall be restricted to designated pastures, orchards or landscape irrigation areas.
8. Treated process wastewater shall not be applied to the irrigation areas within 24 hours of a forecasted rain event, during rainfall, 24 hours after a rainfall event or when soils are saturated.
9. The discharge of domestic waste, treated or untreated, to surface waters is prohibited.
10. The discharge of waste classified as "hazardous," or "designated," as defined in CCR, Title 23, Chapter 15, Section 2521(a) and CWC Section 13173, respectively, to any part of the domestic and/or process wastewater disposal systems is prohibited.
11. The average daily dry weather flow (ADWF) of waste discharged from the Plant shall not exceed 0.25 million gallons per day (mgd), as determined from the lowest consecutive 30-day mean daily flow. The peak daily flow shall not exceed 0.35 mgd.
12. The ponds shall be operated and maintained to prevent inundation or washout due to floods with a 100-year return frequency.
13. The ponds shall have sufficient capacity to accommodate wastewater flow and seasonal precipitation during the rainy season.

B. EFFLUENT LIMITATIONS

1. The discharge of treated wastewater to land by spray irrigation or for frost protection shall not contain constituents in excess of the following limits:

<u>Constituent</u>	<u>Unit</u>	<u>30-Day Average</u>	<u>Daily Maximum</u>
BOD (20° C, 5-day) ¹	mg/l	50	80
Settleable Solids	ml/l/hr	0.1	0.2
Total Suspended Solids	mg/l	50	80
Total Coliform Organisms	MPN/100ml	2.2	23

C. REQUIREMENTS FOR AERATED OR OXIDATION POND SYSTEMS

- a. The dissolved oxygen concentration in the treatment/holding ponds shall not be less than 1.0 mg/l at any time.

¹ Five-day, 20° Celsius Biochemical Oxygen Demand

- b. A minimum freeboard, consistent with pond design but not less than two feet, shall be maintained at all times in any pond containing process and/or domestic wastewater, except with prior authorization by the Executive Officer.
- c. The pond shall be operated and maintained to prevent inundation or washout due to floods with a 100-year return frequency.
- d. The pond shall have sufficient capacity to accommodate wastewater flow, groundwater infiltration and inflow in the collection system, and seasonal precipitation during the rainy season.
- e. All new ponds shall be sited, designed, constructed, and operated to ensure that wastes will be a minimum of five feet (5 ft.) above the highest anticipated elevation of underlying ground water.
- f. All ponds shall have a foundation or base capable of providing support for the structures, and capable of withstanding hydraulic pressure gradients to prevent failure due to settlement, compression, or uplift and all effects of ground motions resulting from at least the maximum probable earthquake, as certified by a registered civil engineer or certified engineering geologist.

D. GROUNDWATER LIMITATIONS

- 1. The disposal of the wastewater shall not cause or contribute to a statistically significant degradation of background groundwater quality.
- 2. The storage and disposal of the treated wastewater shall not cause alterations of groundwater that result in taste or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses.

E. SOLIDS DISPOSAL

- 1. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of at a legal point of disposal, and in accordance with the State Water Board promulgated provisions of Title 27, Division 2 of the California Code of Regulations (CCR) or as waived pursuant to Section 13269 of the CWC.
- 2. Cultivated lands that receive solid wastes from the wastewater treatment process shall be managed to prevent ponding, runoff and erosion.
- 3. During wet weather conditions when solid wastes cannot be incorporated into the soil or hauled off-site for disposal, the solid wastes may be

temporarily stored in a designated solids storage area out of the flood plain.

4. The discharge of leachate, from solids storage areas or rainfall runoff which has come into contact with the solids being stored, to the Russian River or its tributaries, is prohibited.

F. WATER RECLAMATION REQUIREMENTS

Treated wastewater shall be disposed of in accordance with the following provisions:

1. The use of recycled water shall not create a condition of pollution or nuisance.
2. Recycled water shall not be applied to irrigation areas during periods when uncontrolled runoff may occur.
3. Recycled water shall be applied in such a manner so as not to exceed vegetative demand or field capacity.
4. Recycled water and airborne spray shall not be allowed to escape from the authorized recycled water use area(s).
5. Direct or windblown spray, mist, or runoff from irrigation areas shall not enter dwellings, designated outdoor eating areas, or food handling facilities.
6. All reservoirs and ponds shall be adequately protected from erosion, washout, or flooding from a rainfall event having a predicted frequency of once in 100 years.
7. Recycled water shall not be irrigated within 50 feet of any domestic water supply well or domestic water supply surface intake.
8. Recycled water shall not be impounded within 100 feet of a domestic water supply well.
9. The use of recycled water shall not cause degradation of any water supply.
10. Areas irrigated with recycled water shall be managed to prevent ponding and conditions conducive to the proliferation of mosquitoes and other disease vectors, and to avoid creation of a public nuisance or health hazard. Irrigation water shall infiltrate completely within a 24-hour period.

11. All areas where recycled water is used that are accessible to the public shall be posted with signs that are visible to the public, in a size no less than 4 inches high by 8 inches wide, that include the following wording: 'RECYCLED WATER – DO NOT DRINK'. These warning signs shall be posted at least every 500 feet with a minimum of a sign at each corner and access road.

G. GENERAL PROVISIONS

1. Availability

A copy of this Order shall be maintained at the discharge facility and be available at all times to operating personnel.

2. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

3. Operation and Maintenance

The Permittee shall maintain in good working order and operate as efficiently as possible any facility or control system installed by the Permittee to achieve compliance with the Waste Discharge Requirements.

4. Change in Discharge

The Permittee shall promptly report to the Regional Water Board any material change in the character, location, or volume of the discharge. The Permittee shall file a Report of Waste Discharge with the Regional Water Board at least 120 days prior to making any material change in the character, location, or volume of the discharge.

5. Change in Ownership

In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Permittee, the Permittee shall notify the succeeding owner or operator of the following items by letter, a copy of which shall be forwarded to the Regional Water Board:

- a. existence of this Order, and
- b. the status of the Permittees' annual fee account

6. Auxiliary Electrical Power

The Plant shall be equipped with an auxiliary power system to operate all necessary treatment functions during a loss of electrical power.

7. Vested Rights

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the Permittee from liability under federal, State, or local laws, nor create a vested right for the Permittee to continue the waste discharge.

8. Monitoring

The Permittee shall comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-2005-0069 and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Order and incorporated herein. Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. If all other analyses are conducted at a certified off-site laboratory, analyses for pH, chlorine residual, dissolved oxygen, and settleable matter performed by a noncertified on-site laboratory will be accepted provided a quality assurance/quality control program is instituted by the laboratory, and a manual containing the steps followed in this program is kept in the laboratory and made available for inspection by staff of the Regional Water Board. The quality assurance/quality control program shall conform to State Department of Health Services guidelines.

9. Signatory Requirements

- a. All Report of Waste Discharge applications submitted to the Regional Water Board shall be signed by a responsible corporate officer. For purposes of this provision, a responsible corporate officer means:
 - i. a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - ii. the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in

second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. Reports required by this Order, other information requested by the Regional Water Board, and Permit applications submitted for Group II storm water discharges under 40 CFR 122.26(b)(3) may be signed by a duly authorized representative provided:

- i. the authorization is made in writing by a person described in paragraph (a) of this provision;
- ii. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
- iii. the written authorization is submitted to the Regional Water Board prior to or together with any reports, information, or applications signed by the authorized representative. [40 CFR 122.22(b)(c)]

c. Any person signing a document under paragraph (a) or (b) of this provision shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted, is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [40 CFR 122.22(d)]

10. Inspections

The Permittee shall permit authorized staff of the Regional Water Board:

- a. to enter premises in which an effluent source is located or in which any required records are kept;
- b. access to copy any records required to be kept under terms and conditions of this Order;

- c. to inspect monitoring equipment or records; and
- d. to sample any discharge.

11. Noncompliance

In the event the Permittee is unable to comply with any of the conditions of this Order due to:

- a. breakdown of waste treatment equipment;
- b. accidents caused by human error or negligence; or
- c. other causes such as acts of nature;

the Permittee shall notify the Executive Officer by telephone as soon as it or its agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate the steps taken to correct the problem and the dates thereof, and the steps being taken to prevent the problem from recurring.

12. Revision of Requirements

The Regional Water Board will review this Order periodically and may revise requirements when necessary.

Certification

I, Catherine E. Kuhlman, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on August 10, 2005.

Catherine E. Kuhlman
Executive Officer